	Application No.	Applicant(s)		
		Applicant(S)		
Notice of Allowability	10/773,007 Examiner	ISOLA ET AL.		
	Examiner	Art Unit		
	Michael Peffley	3739		
The MAILING DATE of this communication appears All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this app or other appropriate communication IGHTS. This application is subject to	olication. If not included will be mailed in due course. THIS		
<ol> <li>This communication is responsive to <u>11/27/06</u>.</li> </ol>				
2. The allowed claim(s) is/are <u>1-37</u> .				
3. ☐ Acknowledgment is made of a claim for foreign priority unappriority and an analogue All bolonge by a some and a claim for foreign priority unappriority and analogue analogue and analogue and analogue and analogue and analogue analo	nder 35 U.S.C. § 119(a)-(d) or (f).			
<ol> <li>Certified copies of the priority documents have</li> </ol>				
<ol><li>Certified copies of the priority documents have</li></ol>	e been received in Application No	·		
<ol><li>Copies of the certified copies of the priority do</li></ol>	cuments have been received in this	national stage application from the		
International Bureau (PCT Rule 17.2(a)).				
* Certified copies not received:				
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONN THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	of this communication to file a reply IENT of this application.	complying with the requirements		
4. A SUBSTITUTE OATH OR DECLARATION must be subminFORMAL PATENT APPLICATION (PTO-152) which give				
5. CORRECTED DRAWINGS ( as "replacement sheets") mus	st be submitted.			
(a) ☐ including changes required by the Notice of Draftspers		948) attached		
1) 🗌 hereto or 2) 🔲 to Paper No./Mail Date				
(b) including changes required by the attached Examiner' Paper No./Mail Date	s Amendment / Comment or in the C	office action of		
Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in t	.84(c)) should be written on the drawir he header according to 37 CFR 1.121(c	ngs in the front (not the back) of d).		
6. DEPOSIT OF and/or INFORMATION about the depo attached Examiner's comment regarding REQUIREMENT				

## Attachment(s)

- 1. Notice of References Cited (PTO-892)
- 2. Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3. Information Disclosure Statements (PTO/SB/08),
- Paper No./Mail Date \_\_\_\_\_\_

  4. Examiner's Comment Regarding Requirement for Deposit

of Biological Material

5.		Notice (	of Info	ormal	Paten	t Ap	plicat	ior
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6. Interview Summary (PTO-413), Paper No./Mail Date \_

7. Examiner's Amendment/Comment

8. 

Examiner's Statement of Reasons for Allowance

9. Other \_\_\_\_.

## Reasons for Allowance

The following is an examiner's statement of reasons for allowance: applicant's arguments filed November 27, 2006 are deemed persuasive. Applicant's position that there is no motivation to provide an electrode on the Okada et al device in view of the teaching of Wilk et al is well received. In particular, applicant is correct in pointing out that Okada et al clearly disclose the use of an insulative jaw member when RF energy is applied to the ultrasonic probe (see pages 3-4 of applicant's response). Further, applicant points out that Wilk et al do not specifically disclose a jaw member formed as an electrode. Rather, Wilk et al provide a resistive element on an insulative jaw member used to heat tissue, as opposed to a conductive jaw member that serves as an electrode.

The examiner has found two other relevant references worthy of mention. Witt et al (7,108,695) discloses an analogous clamp and ultrasonic probe device that includes temperature and/or impedance sensors on the jaw member to control the output of the ultrasonic system. There is no clear disclosure of providing the jaw member as an electrode with an electrical connector for connecting the jaw to an electrical power source. Masuda et al (2006/0259054) disclose another ultrasonic treatment device that includes a grasping jaw and an electrical energy connection means. It is noted that the Masuda et al device does not qualify as prior art against the instant application claims.

Applicant's drawings filed with the November 27, 2006 response are acceptable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Peffley whose telephone number is (571) 272-4770. The examiner can normally be reached on Mon-Fri from 6am-3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Primary Examiner
Art Unit 3739

mp January 20, 2007